

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

v.

15-CR-149-A

FRANK R. PARLATO, JR. and
CHITRA SELVARAJ,

Defendants.

SPEEDY TRIAL ORDER

(September 7, 2021 through January 26, 2022)

On September 7, 2021, the parties appeared before the Court for oral argument on the Government's Motion in Limine (Dkt.194). Assistant United States Attorneys Michael DiGiacomo and Charles M. Kruly appeared on behalf of the United States. Defendant Parlato appeared through his attorneys, Herbert Greenman, Esq., and Justin Ginter, Esq.

The Court ordered the parties to submit additional briefing on the issues and rescheduled oral argument for October 25, 2021. Based on consent of the parties, the court excluded the time from September 7, 2021, up to and including October 25, 2021, from the Speedy Trial Act Clock (Dkt. 244). On October 12, 2021, the government filed a Notice of Motion requesting the court extend the time for the government to file their response/reply. Counsel for the defendants had no objection to the request. On October 13, 2021, the court granted the government's motion and rescheduled oral argument for November 30, 2021. On November 16, 2021, the parties filed a consent motion asking the court to reschedule the November 30, 2021, oral argument/status conference as the parties re-engaged in plea

negotiations. The court granted the motion and scheduled a status conference for December 20, 2021. The court excluded the time from the Speedy Trial Act.

On December 20, 2021, the United States appeared by and through Assistant United States Attorneys Michael DiGiacomo and Charles M. Kruly. Defendant Parlato appeared in person and through his attorneys, Herbert Greenman, Esq., and Justin Ginter, Esq. Co-defendant Chitra Salvaraj nor her counsel were present for the appearance. The parties represented to the court that plea negotiations were ongoing, and that additional time was requested to further the negotiations. The parties also agreed the time should be excluded from the Speedy Trial Act pursuant to Title 18, United States Code, Sections 3161 (h)(1)(D), 3161(h)(6), 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

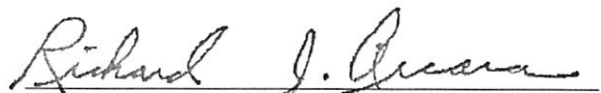
Specifically, and for the reasons set forth above and on the record on December 20, 2021, the Court finds that the public's interest in conserving resources by the defendants maintaining continuity of counsel outweigh the public's and defendant's interest in a speedy trial. Furthermore, the defendants' interest in continuity of counsel outweighs the interest of the public and defendants in a speedy trial. Finally, the excluded time will be utilized by the parties to continue in plea negotiations and to prepare for oral argument on the remaining outstanding motions thereby ensuring the effective assistance of counsel and effective preparation for trial. The time is also excluded for co-defendant Chitra Salvaraj as she is joined for trial with co-defendant Parlato for whom time has been excluded and no motion for severance has been granted.

NOW, it is hereby

ORDERED that the time from and including September 7, 2021, up to and including January 26, 2022, is properly excluded from the time within which trial must commence, in accordance with the Speedy Trial Act, pursuant to Title 18, United States Code, Sections 3161 (h)(1)(D), 3161(h)(6), 3161(h)(7)(A) and 3161(h)(7)(B)(IV).

The Court further finds that, as of January 26, 2021, 19 days of Speedy Trial Act time will have elapsed in this action and 51 days remain in the period within which trial must commence.

DATED: Buffalo, New York, January 24, 2022.


HONORABLE RICHARD J. ARCARA
United States District Judge